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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/043,922	01/14/2002	Stephen N. Gaiski	GSN-105-A	9223

21770 7590 05/13/2003

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EXAMINER

SHAH, KAMINI S

ART UNIT	PAPER NUMBER
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2863

DATE MAILED: 05/13/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/043,922

Applicant(s)

GAISKI, STEPHEN N.

Examiner

Kamini S Shah

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 14 January 2002.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-13 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-10 and 12 is/are rejected.
- 7) ☒ Claim(s) 11 and 13 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 3.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1-9, 12 are rejected under 35 U.S.C. 102(b) as being anticipated by Gaiki (6,067,509).

Regarding to claimed invention Gaiki discloses a computer-implemented method for monitoring variations in the film build thickness of workpieces comprising measuring film build thickness of a group of workgroup, the group comprising at least two subgroup, see col. 4, lines 59-64, i.e., selecting subgroups of the vehicle readings, such as hood and the thickness of selected coating as the prime coat red. Furthermore Gaiki discloses as in Appendix C the range of the film build thickness measurements of each subgroup, and selecting data from at least two of subgroups having smallest calculated ranges such as the readings for each film on the vehicle are averaged by adding up the thickness of the same film for each of the locations and dividing by the number of locations, the data then are stored for 23 vehicles and accumulated over period of days and are processed into the data processing computer, col. 4, lines 20-24. and 32-40.

Regarding to claims 6-9, Gaiki discloses the measuring of film build thickness of the of the corresponding surface area on a group of similar workpieces that have been

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coated with a film in the same painting booth, in the same color group and within same time frame, in col. 2, lines 3, lines 1-35.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 10 rejected under 35 U.S.C. 103(a) as being unpatentable over Gaiki in view of Talbert Rodger, "Controlling Operation Cost", Gale Group Trade & Industry, Coatings, 22, 6, 116.

Regarding to claimed subject matter such as step of calculating the change in cost of film build material being used in the process by substituting new calculated process control limits for existing process control limit, Gaiki does not teach the claimed limitation. However Gaiki is in interest of reducing labor cost with Pelt Gage measurements. Rodger discloses change in cost by estimating material cost by calculating paint with new calculated process, see the section of measuring cost and controlling cost. It would have been obvious to one of the ordinary skill in the art at the time of invention to utilize the method of measuring cost of Rodger into the system of Gaiki because it provides the quality of goal for change in cost of material. Pelt Gage measurement method of Gaiki does not provide the calculation in change in cost in material in detail as to teaching of Rodger. Calculating change in cost of material in the coating operation is one of the important cost factors relating to the goals of quality.

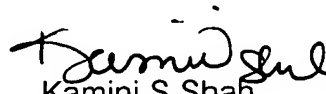
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5. Claims 11 and 13 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kamini S Shah whose telephone number is 703-305-9590. The examiner can normally be reached on IFP.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Barlow can be reached on 703-308-3126. The fax phone numbers for the organization where this application or proceeding is assigned are 703-308-7722 for regular communications and 703-308-7722 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-0956.


Kamini S Shah
Primary Examiner
Art Unit 2863

KSS
May 4, 2003